

178.115 Power of fiscal court to open, establish or alter road -- Procedure -- Appeal.

- (1) Whenever the fiscal court of any county deems it to be in the best interest of the county to open, establish or alter the location of any public road, street, alley, ditch, culvert, bridge or similar public way or structure in the county, the fiscal court shall adopt a resolution setting forth the necessity for the public road or structure, and thereupon the public road or structure shall be deemed opened, established or altered, as the case may be, on behalf of the county. A certified copy of the resolution shall be posted at the courthouse door of the county within five (5) days after its adoption and a certified copy of the resolution shall be posted by the county road engineer of the county along or at the proposed road or structure within five (5) days after its adoption.
- (2) In all cases where public roads or structures have been established, any person or persons aggrieved thereby may prosecute an appeal from a resolution of the fiscal court by filing a petition in equity in the Circuit Court of the county where the road or structure is located setting forth his grievance, to which petition shall be attached an attested or certified copy of the resolution. The petition shall be filed within thirty-five (35) days from the date the resolution was entered. An appeal shall be heard and decided by the court without the intervention of a jury. Any party so appealing shall execute and file a bond for costs at the time such appeal is taken. An appeal to the Court of Appeals may be taken in accordance with the Rules of Civil Procedure.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 61, sec. 7, effective July 13, 2004. -- Amended 1960 Ky. Acts ch. 104, sec. 12, effective June 16, 1960. -- Created 1942 Ky. Acts ch. 128, secs. 1 and 2.